THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4449 OF 2005

22nd JUNE, 2006

BETWEEN

Amaravathi Ramesh Gupta

… Petitioner

vs.

The Principal Secretary, Dept of Revenue,
Government of A.P., Secretariat, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4449 OF 2005

ORDER:

The petitioner claims to be the owner and possessor of agricultural lands admeasuring total extent of Acs.10.07 guntas in survey Nos.124/43, 124/56, 124/57 and 124/58 situated at Mangalpally village of Ibrahimpatnam Mandal of Ranga Reddy District. He allegedly purchased the property from the pattadars as well as from others under registered sale deeds and got his name mutated in revenue records. He claims that the land is a private patta land and it is not a Government land. So as to sell away the land, he addressed letter to the fourth respondent to accept and register the documents. The fourth respondent returned the letter with an endorsement that as per the notification issued by the Government of Andhra Pradesh under Section 22-A of the Registration Act, 1908 (Registration Act, for brevity) as amended by Registration (A.P.Amendment) Act, 1999, the registration cannot be done as it is prohibited. Therefore, the present writ petition is filed assailing the said notification, whereby and whereunder the Government declared the registration of any documents *inter alia* in survey No.124 as illegal, *ultra*

vires and unconstitutional.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. Therefore, impugned notification cannot be sustained. Further, in subsequent Judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, this writ petition is allowed observing that any registration of the document presented by the petitioner would be subject to the adjudication by the Supreme Court and if, ultimately the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified.

The writ petition is accordingly allowed subject to the above observation. No costs.

(V.V.S.RAO,J)

22.06.2006
pln

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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456